

Appl. No. 10/774,148
Reply to Office Action of June 6, 2006

RECEIVED
CENTRAL FAX CENTER
SEP 06 2006

REMARKS

Applicants respectfully request issuance of a new Office Action. In particular, claims 35-40 were added by the amendment filed March 14, 2006 and claims 1-40 were pending. However, the Office Action mailed June 6, 2006 fails to address the new claims 35-40 as indicated by the status on the Office Action Summary page which only lists claims 1-34 as pending. Further, the Office Action fails to provide any indication that claims 35-40 are allowable and fails to set forth any rejections of claims 35-40 over the prior art.

Applicants respectfully assert that the Office Action clearly fails the regulatory mandate of 37 CFR 1.104(a)(1) that the "examination be complete with respect both to compliance of the application . . . with the applicable statutes and rules and to the patentability of the invention as claimed." (Emphasis added). Further, 37 CFR 1.104(b) provides that "the examiner's action will be complete as to all matters." 37 CFR 1.104(c)(2) states that in rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. MPEP §706.07 (8th ed.) states that "the examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal."

Applicants respectfully request issuance of a new Office Action which properly addresses claims 35-40 in accordance with the above-mentioned sections of the CFR and MPEP so Applicants may properly respond during the prosecution of the present application.

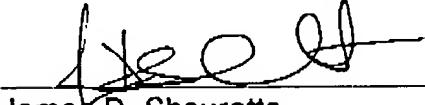
Appl. No. 10/774,146
Reply to Office Action of June 6, 2006

Furthermore, Applicant respectfully requests restarting of the period of response so Applicants may appropriately consider any rejections of claims 35-40 and respond. The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: 9/6/06

By:



James D. Shaurette
Reg. No. 39,833